



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

January 17, 2012

Jerry Bird, Forest Supervisor
Lassen National Forest
2550 Riverside Drive
Susanville, California 96130

Subject: Draft Environmental Impact Statement for the Creeks II Project, Plumas County,
California (CEQ# 20110403)

Dear Mr. Bird:

The Environmental Protection Agency (EPA) has reviewed the Draft Environmental Impact Statement (EIS) for the above project. Our review and comments are pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508), and Section 309 of the Clean Air Act.

The agency preferred alternative (Alternative 3) will manage vegetation, through thinning and burning, on approximately 8,060 acres of the Lassen National Forest, Almanor Ranger District. This will include 5.5 miles of road construction and pile and broadcast burns on 6,472 acres. EPA acknowledges the importance of the project's goals of improving forest health and reducing fuel loading to prevent high-severity fire. We support the use of thinning and prescribed underburning as important measures necessary to reduce the risk of fire, promote biodiversity, and restore natural ecological processes within the project vicinity and within the Wildland Urban Interface. Overall, the Draft EIS contains valuable information useful to both the public and decision maker(s); however, we have some concerns that should be addressed in the Final EIS.

We have rated the Draft EIS as Environmental Concerns – Insufficient Information (EC-2) (see enclosed "*Summary of Rating Definitions*"). We are concerned about the public health impacts of air emissions and we recommend the Final EIS provide additional information regarding mitigation measures and the decommissioning of roads. Our enclosed detailed comments provide additional information regarding the concerns identified above.

We appreciate the opportunity to review this Draft EIS. When the Final EIS is released for public review, please send one hard copy and one CD to the address above (mail code: CED-2). Should you have any questions regarding our comments, please contact me at (415) 972-3521, or contact Stephanie Skophammer, the lead reviewer for the project. Stephanie can be reached at (415) 972-3098 or skophammer.stephanie@epa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Kathleen Martyn Goforth", followed by the word "for" in a larger, more stylized script.

Kathleen Martyn Goforth, Manager
Environmental Review Office

Enclosures: **Summary of EPA Rating Definitions**
 EPA Detailed Comments

Cc: **Angela Wilson, Central Valley Regional Water Quality Control Board**

SUMMARY OF EPA RATING DEFINITIONS*

This rating system was developed as a means to summarize the U.S. Environmental Protection Agency's (EPA) level of concern with a proposed action. The ratings are a combination of alphabetical categories for evaluation of the environmental impacts of the proposal and numerical categories for evaluation of the adequacy of the Environmental Impact Statement (EIS).

ENVIRONMENTAL IMPACT OF THE ACTION

"LO" (Lack of Objections)

The EPA review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

"EC" (Environmental Concerns)

The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impact. EPA would like to work with the lead agency to reduce these impacts.

"EO" (Environmental Objections)

The EPA review has identified significant environmental impacts that should be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

"EU" (Environmentally Unsatisfactory)

The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potentially unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the Council on Environmental Quality (CEQ).

ADEQUACY OF THE IMPACT STATEMENT

Category "1" (Adequate)

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis or data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

Category "2" (Insufficient Information)

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses, or discussion should be included in the final EIS.

Category "3" (Inadequate)

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the NEPA and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

*From EPA Manual 1640, Policy and Procedures for the Review of Federal Actions Impacting the Environment.

Air Quality

Provide details describing the CAA General Conformity requirements. The proposed Creeks II project includes prescribed burning and logging activities that could result in air emissions of volatile organic compounds (VOCs) and nitrous oxides (NO_x), as well particulate matter less than 10 microns (PM₁₀). In accordance with the Clean Air Act (CAA) General Conformity requirements, in federal non-attainment and maintenance areas, a determination must be made that emissions will not exceed the applicable *de minimis* threshold levels, measured in tons per year, for criteria pollutants of concern. If emissions would exceed an applicable *de minimis* threshold, a conformity determination is required to document how the federal action will affect the State Implementation Plan (SIP). The document does not discuss the status of the non-attainment areas encompassed by the project, quantity of emissions, the time period for these estimated emissions, and whether or how the proposed project would conform with the SIP.

Recommendation: The Final EIS should describe the CAA General Conformity requirements and discuss whether and how the proposed action would comply with the SIP and State and local air district regulations. If a General Conformity determination is necessary, we recommend it be included in the Final EIS.

Provide information regarding Butte County Air Pollution Control District and Northern Sierra Air Quality Management District's Smoke Management Programs. The Draft EIS states that a smoke management plan would be submitted to and approved by involved agencies prior to any burning that would occur within the project area but that adherence to a plan for burning will alleviate negative impacts (p. 72). The project area lies within two air quality districts.

Recommendation:

The Final EIS should include detailed information for how the project will comply with the separate air district's regulations for pile burning and smoke management, an implementation schedule, the responsible parties, and monitoring and reporting requirements.

Include a Construction and Operations Emissions Mitigation Plan. The Draft EIS does not present estimates for emissions from hauling and yarding and does not identify mitigation measures that will be used to reduce particulate matter. We recommend that the Final EIS include measures to mitigate these emissions.

Recommendation:

EPA recommends that the Forest Service include a Construction and Operations Emissions Mitigation Plan for fugitive dust and diesel particulate matter in the Final EIS and adopt this plan in the Record of Decision (ROD). We recommend that the following measures be included in order to reduce impacts associated with emission of particulate matter and other toxics, particularly in areas where the public or Forest Service staff may be impacted:

Fugitive Dust Source Controls:

- Stabilize open storage piles and disturbed areas by covering and/or applying water or other dust palliative where appropriate. This applies to both inactive and active sites, during workdays, weekends, holidays, and windy conditions.

- Install wind fencing and phase grading operations where appropriate, and operate water trucks for stabilization of surfaces under windy conditions.
- When hauling material and operating non-earthmoving equipment, prevent spillage and limit speeds to 15 miles per hour (mph). Limit speed of earth-moving equipment to 10 mph.

Mobile and Stationary Source Controls:

- Reduce use, trips, and unnecessary idling from heavy equipment.
- Maintain and tune engines per manufacturer's specifications to perform at EPA certification levels, where applicable, and to perform at verified standards applicable to retrofit technologies. The California Air Resources Board has a number of mobile source anti-idling requirements which could be employed. See their website at: <http://www.arb.ca.gov/msprog/truck-idling/truck-idling.htm>.
- Prohibit any tampering with engines and require continuing adherence to manufacturer's recommendations.
- If practicable, lease new, clean equipment meeting the most stringent of applicable federal or state standards.

Administrative controls:

- Identify, in the Final EIS, all commitments to reduce construction and operations emissions, and specify air quality improvements that would result from adopting specific air quality measures.
- Identify where implementation of mitigation measures is rejected based on economic infeasibility.
- Prepare an inventory of all equipment prior to construction and identify the suitability of add-on emission controls for each piece of equipment before groundbreaking. (Suitability of control devices is based on: whether there is reduced normal availability of the construction equipment due to increased downtime and/or power output, whether there may be significant damage caused to the construction equipment engine, or whether there may be a significant risk to nearby workers or the public).

Closure and Restoration of Roads and Landings

Provide a closure and restoration plan for the proposed temporary roads and landings. The Draft EIS states that 1.9 miles of new roads and 3.6 miles of new temporary roads would be constructed, 2.9 miles of existing roads would be reconstructed, and 11.1 miles of roads will be decommissioned (p. 113). Although the Draft EIS states that all temporary roads would be closed and road related watershed improvement work will be performed following the completion of fuel reduction actions, there is no detailed information provided on when or how this closure would occur. Specifically, there is little information concerning what roads will be decommissioned and the time frame in which the decommissioning will take place.

Recommendation:

We recommend the Final EIS provide a list and map of the roads and trails proposed for decommissioning, as well as a detailed closure and restoration plan for the proposed temporary roads and landings. This plan should include specific information on the extent to which these roads would be recontoured, replanted with appropriate vegetation, monitored, and closed to off-highway vehicle use. We recommend the Final EIS include a specific post-harvest schedule for closure of the temporary roads and landings and discuss the relationship of the restoration and

closure plan to the Lassen Travel Management Plan. Additionally, the Final EIS should explain how decommissioning certain roads and landings will directly contribute to reduced sediment delivery to specific roads and streams.

Elaborate on design features used to mitigate erosion on steep slopes. Several areas in the project have very high or high erosion potential (p. 209). The Draft EIS states that integrated design features limit mechanical treatments in these areas and provide stringent guidelines for maintaining ground cover. It is not clear how these design features will reduce erosion. Roads are the primary source of sediment into streams within the project area, and all new and temporary roads should be constructed to minimize erosion and sediment delivery into water bodies as much as possible. The Draft EIS states that BMPs will be used to mitigate effects of roads on water quality (p. 178), but there is no indication of where and when the Best Management Practices (BMPs) will be used.

Recommendation:

We recommend the Final EIS include a map of the roads that will be constructed as part of the Creeks II project and identify the soil types in these areas of new road construction. Additionally, a list of BMPs should be included in an appendix and the Final EIS should indicate which BMPs will be utilized to minimize erosion in areas with high erosion potential.